

CLARIFY 76-3-511 MCA

It is the intent of the Montana Association of Counties to seek legislation to clarify the original intent of 76-3-511 or repeal that code section altogether.

WHEREAS, House Bill 521 was adopted in 1995 to address environmental concerns; and

WHEREAS, what is now 76-3-511 was added to HB 521 as Section 5 and it was intended to address water, septic and solid waste; and

WHEREAS, Senate Bill 116 (2005) made many procedural changes to the Montana Subdivision and Platting Act but the cross-references in 76-3-511 were not corrected accordingly; and

WHEREAS, counties are being challenged and sued because of allegations subdivision regulations other than those for water and septic and solid waste are more stringent than state law.

NOW, THEREFORE, BE IT RESOLVED, section 76-3-511 be amended to reflect the correct cross-references to 76-3-501(7) and to 76-3-504(1)(g)(iii); or

BE IT FURTHER RESOLVED, section 76-3-511 be repealed.

SPONSOR: Land Use Committee

RECOMMENDATION: Do Pass

PRIORITY: High

REFERRED TO: Land Use Committee

ADOPTED: Annual Conference, Hamilton, MT September 24, 2008